

Upon entry of this amendment Claims 1-2, 11-26, 28-51 and 53-67 will now be active in this application. Claims 51, 53-61 and 64-67 stand withdrawn from further consideration as being drawn to non-elected subject matter.

REQUEST FOR RECONSIDERATION

Applicants wish to thank Examiner Toomer for her helpful and courteous discussion with Applicants' Representative on January 14, 2003. During this discussion it was noted that none of Halle et al and EP 0467 850 A1 disclose or suggest the claimed combination of N,N-diethylhydroxylamine; and N-nitroso-N-phenylhydroxylamine or its salt, in a monomer composition. In addition, Example 1 of the present invention and Comparative Examples 1 and 2 at pages 12 and 13 of the specification show that the claimed monomer composition (Example 1) does not polymerize during distillation while monomer compositions having only one of the stabilizers exhibit polymer formation (Comparative Examples 1 and 2). Applicants provide in the attached Rule 132 Declaration additional Examples showing that the claimed composition is superior.

In addition, Applicants wish to thank Examiner Toomer for indicating allowability of Claims 15, 17, 20, 42, 44 and 47 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

Each of **Claims 1, 11 and 63** relates to a stabilized monomer composition, comprising:

inter alia **N,N-diethylhydroxylamine; and N-nitroso-N-phenylhydroxylamine or its salt.**

Claim 26 relates to a process for synthesis of such stabilized monomer composition that comprises *inter alia* **N,N-diethylhydroxylamine and N-nitroso-N-phenylhydroxylamine or its salt.**

Claims 51, 64 and 66 relate to processes for synthesis of a 2-hydroxyalkyl (meth)acrylate, in which *inter alia* **the stabilized monomer composition according to one of Claims 1 or 11 or 63**, respectively, are added.

Claims 58, 65 and 67 relate to a method of purifying a 2-hydroxyalkyl (meth)acrylate, in which *inter alia* **the stabilized monomer composition according to one of Claims 1 or 11 or 63**, respectively, are added.

None of Halle et al and EP 0467 850 A1 disclose or suggest the claimed combination of N,N-diethylhydroxylamine and N-nitroso-N-phenylhydroxylamine or its salt, in a weight ratio of from 1:1 to 10:1, in a monomer composition.

Halle et al disclose a large number of organic polymerization inhibitors at col. 3, lines 24-42. However, there is no disclosure or suggestion of a combination of N,N-diethylhydroxylamine; and N-nitroso-N-phenylhydroxylamine or its salt in a weight ratio of from 1:1 to 10:1 as claimed. Based on the disclosure of this reference, one of ordinary skill in the art would not have any motivation to combine the two claimed inhibitors in the claimed ratio. In fact, the Examples of Halle et al only use one inhibitor at a time, namely N,N-diethylhydroxylamine. However, the use of **only one inhibitor yields inferior results** as shown by Comparison Examples 1 and 2 at pages 12 and 13 of the specification which exhibit polymer formation while the claimed monomer composition (Example 1) does not polymerize during distillation. Note that **Comparison Example 1 has N-nitroso-N-phenylhydroxylamine only. Comparison Example 2 has N,N-diethylhydroxylamine only.** In Example 1, no polymerization was observed within 8.5 hours. In Comparison

Example 1, polymer formation took place after 5 hours and the distillation had to be stopped. In an industrial setting this means that precious time is lost in order to clean the column from polymer. Additional cost arise under these circumstances. However, this is exactly the problem, the present invention addresses. In Comparison Example 2, the polymerization was so rapid that the experiment had to be stopped before any 2-hydroxyethyl acrylate could be isolated. Thus, the present invention is not anticipated by or obvious over Halle et al.

In addition, the attached **Rule 132 Declaration** shows that the monomer composition of Example A (according to the present invention) which has hydroxyethyl methacrylate raw ester as a monomer distills over at 0.71 l/h **without formation of polymer** due to the presence of the claimed combination of stabilizers.

In contrast, Comparison Example B also having hydroxyethyl methacrylate raw ester, but without additional stabilization forms a **polymer in an upper region of the thin-film evaporator and in the distillation column.**

EP 0467 850 A1 only discloses a combination of two inhibitors such as phenothiazine and a hydroxylamine such as N,N-diethylhydroxylamine (EP 0467 850 A1, page 5, lines 9-12). However, there is no disclosure or suggestion of the claimed combination of N,N-diethylhydroxylamine; and N-nitroso-N-phenylhydroxylamine or its salt in a weight ratio of from 1:1 to 10:1. There is a disclosure that additional inhibitors may be used in EP 0467 850 A1. However, a long list of general groups of inhibitors is given. One of these includes nitrosophenylhydroxylamines. None of the Examples of EP 0467 850 A1 have a combination of N,N-diethylhydroxylamine; and N-nitroso-N-phenylhydroxylamine or its salt in a weight ratio of from 1:1 to 10:1. In fact, a specific weight ratio of a hydroxylamine inhibitor and a nitrosophenylhydroxylamine inhibitor is not disclosed at all. Based on this information, one of ordinary skill in the art cannot readily envision a composition as claimed

having N,N-diethylhydroxylamine; and N-nitroso-N-phenylhydroxylamine or its salt in a weight ratio of from 1:1 to 10:1. Thus, the present invention is not anticipated by or obvious over EP 0467 850 A1.

Therefore, the rejection of Claims 1, 2, 11-13, 22-24, 26, 28-40, 49-50, 62 and 63 under 35 U.S.C. §103(a) over Halle et al and the rejection of Claims 1, 2, 11, 13, 14, 16, 18-19, 21, 24-26, 29-39, 41, 43, 45, 46, 48, 50 and 62 under 35 U.S.C. §103(a) over EP 0467 850 A1 is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

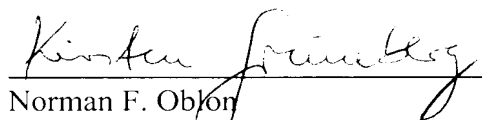
The rejection of Claim 34 under 35 U.S.C. §112, 2nd paragraph, is obviated by the amendment of this Claim.

Applicants wish to point out that **Claims 51 and 58 depend on Claim 1. Claims 64 and 65 depend on Claim 11. Claims 66 and 67 depend on Claim 63.** In all of these methods, a **stabilized monomer composition according to one of Claims 1 or 11 or 63,** respectively, is used. Thus, if Claims 1, 11 and 63 are allowable, no further search is required and Claims 51 and 53-67 should be allowable as well (In re Ochai, 71 F.3d 1565 (Fed. Cir. 1995)).

Applicants submit that the present application is now in condition for allowance and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No.: 24,618



22850

Kirsten A. Grueneberg, Ph.D.
Registration No.: 47,297

PHONE NO.: (703) 413-3000
FAX NO.: (703) 413-2220
NFO:KAG:lcd
I:\user\KGRUN\194344.am.wpd